

REMARKS

Introductory Comments

Claims 1-20 were pending in the current application. Applicant acknowledges with appreciation the allowance of claims 17-20, and the Examiner's indication that claims 3, 9 and 16 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. With this amendment Applicant amends claims 1-3, 9 and 16 and adds new claims 21-27. Thus, the application now includes claims 1-27.

Claim Rejections Under 35 U.S.C. § 102(b)

Stewart

Claims 1, 2, 5-8, 10-13 and 15 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,698,721 to Stewart (hereinafter "Stewart").

Stewart discloses a golf practice device that includes adjustable, extensible members for engaging and controlling the movement of a golfer's head and hips, and includes adjustable flexible guide members which define the correct path of swing, and provide an indication of error when the correct path of swing is not followed. The head movement control members comprise a pair of padded guides which engage the golfer's cheeks which permitted limited but restrained movement of the golfer's head. The hip movement control members comprise a pair of curved hip guides. The golf club swing guide members are carried by brackets which are adjustably mounted on horizontal bars supported by vertical rods.

With regard to claim 1, the Examiner states that "Stewart discloses a golf training aid comprising . . . a swing pad having a flat front surface (42) . . ." The pads disclosed in Stewart are the pads 42 to control the movement of the golfer's head and the pads 19 to control the movement of the golfer's hips. Amended claim 1 of the present application

recites a “A swing training aid for training an athlete to perform a desired swing with a piece of sports equipment, said swing training aid comprising: . . . a swing pad having a flat front surface . . . , said front surface of said swing pad defining a part of the desired swing with the piece of sports equipment” Neither of the pads 19 or 42 of Stewart define “a part of the desired swing with the piece of sports equipment” as recited in claim 1. In Stewart, the pads 19 and 42 appear to be for comfort of the golfer as the control members engage the golfer’s head and hips. Stewart does not teach, disclose or suggest “a swing pad having a flat front surface . . . defining a part of the desired swing with the piece of sports equipment” as recited in amended claim 1. Therefore, for at least these reasons Applicant believes that amended claim 1 is patentable over Stewart. Claim 15 depends on claim 1. Accordingly, Applicant respectfully requests that the Examiner find claims 1 and 15 allowable over Stewart.

Claim 2 has been amended to recite “A swing training aid for training an athlete to perform a desired swing with a piece of sports equipment, said swing training aid comprising: . . . a swing pad . . . said swing pad defining a part of the desired swing with the piece of sports equipment” As discussed above with regard to claim 1, Stewart does not teach, disclose or suggest “a swing pad . . . defining a part of the desired swing with the piece of sports equipment” as recited in amended claim 2. Therefore, for at least these reasons Applicant believes that claim 2 is patentable over Stewart. Claims 5-8 and 10-13 depend directly or indirectly on claim 2. Accordingly, Applicant respectfully requests that the Examiner find claims 2, 5-8 and 10-13 allowable over Stewart.

Czaja

Claims 1 and 14 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,582,319 to Czaja (hereinafter “Czaja”).

Czaja discloses a golf training device for chipping or pitching having a vertical support means; an arcuate rigid planar sheet having upper, leading, trailing, and lower edge

portions describing an arc of approximately 120.degrees; and an adjusting means engaging the sheet and holding the sheet in a predetermined angular relation with the vertical support means; whereby the golfer may swing the clubhead of a golf club along the inner planar surface of the sheet.

Amended claim 1 of the present application recites a “A swing training aid . . . comprising: . . . an adjustable stand comprising a first pad connector; and a swing pad . . . comprising a first attachment spot for matingly attaching said swing pad to said first pad connector of said adjustable stand, . . . wherein said adjustable stand can be adjusted to support said swing pad in an elevated position off the ground.” As seen in Figures 1-4, 8, 9, 13, 14 and 25 of Czaja, the planar sheet 1 is relatively large, defining a surface for the entire backswing of a golfer’s full swing, and the lower edge of the planar sheet 1 rests on the ground. Czaja states that the “training device of the present invention provides a planar surface along which the toe or front portion of the golf club (be it a driver, iron, or putter) is addressed and swung along the underside.” (Czaja, col. 2, lines 44-47) In Czaja, it appears that the golfer places the toe (front portion) of the club against the planar sheet 1 when he initially addresses the ball on the ground and follows the planar sheet during the entire back swing. In contrast, amended claim 1 recites that the stand “support[s] said swing pad in an elevated position off the ground.” Czaja does not teach, disclose or suggest “an adjustable stand . . . and a swing pad . . . wherein said adjustable stand can be adjusted to support said swing pad in an elevated position off the ground” as recited in amended claim 1. Therefore, for at least these reasons Applicant believes that amended claim 1 is patentable over Stewart. Claim 14 depends directly on claim 1. Accordingly, Applicant respectfully requests that the Examiner find claims 1 and 14 allowable over Czaja.

Claim Rejections Under 35 U.S.C. § 103(a)

Claim 4 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Stewart in view of U.S. Patent No. 5,071,130 to Shofner (hereinafter “Shofner”).

Shofner discloses a mat-type device for improving a golfer's swing that has a ball placement portion in the form of a grid, and a golfer's stance portion such that the golfer can determine the ball placement with regard to the stance when using various golf clubs.

Claim 4 depends from claim 2. As discussed above, claim 2 has been amended to recite “A swing training aid for training an athlete to perform a desired swing with a piece of sports equipment, said swing training aid comprising: . . . a swing pad . . . said swing pad defining a part of the desired swing with the piece of sports equipment . . .” Neither Stewart nor Shofner, alone or in combination, teach, disclose or suggest “a swing pad . . . defining a part of the desired swing with the piece of sports equipment” as recited in amended claim 2. Therefore, for at least these reasons Applicant believes that claim 4 is patentable over Stewart in view of Shofner. Accordingly, Applicant respectfully requests that the Examiner find claim 4 allowable.

Amended and New Claims

By this amendment, claims 3, 9 and 16 have been amended to be independent claims, and new claims 21-27 are added. Claims 21-27 depend from claim 2. Claims 3, 9, 16 and 21-27 are believed to be in condition for allowance.

Final Remarks

Claims 1-27 are believed to be in condition for allowance. Such allowance is respectfully requested.

In the event that there are any questions related to this amendment or to the application in general, the undersigned would appreciate the opportunity to address those questions directly in a telephone interview to expedite the prosecution of this application.

If necessary, Applicant requests that this Amendment be considered a request for an extension of time appropriate for the response to be timely filed. Please charge any fees due, or credit any overpayment, to Bose McKinney & Evans LLP's Deposit Account No. 02-3223.

Respectfully submitted,

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